

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

July 3, 1946

11 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Absent: Councilman Alford

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

Pursuant to public notice given in the local newspaper, the proposal of the City Council to amend the Zoning Ordinance in the following particulars came up for public hearing:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District and Second Height and Area District, towit:

Those portions of Lots 13 and 14, Evergreen Heights Addition, City of Austin, Travis County, Texas, which portions lie west of the Fredericksburg Road, save and except the north 110 feet of Lot 13 of said Addition.

There was no one present to protest this change; therefore, Councilman Bartholomew moved that the recommendation of the Zoning Board of Adjustment be sustained and the change granted as requested. Councilman Wolf seconded; the motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

The City Attorney was instructed to prepare an ordinance covering this change and present same to the Council for passage.

Mr. Kenneth Threadgill presented a petition signed by eleven property owners on the west side of the Dallas Highway, between Koenig Lane and the railroad tracks, asking that this property be zoned as "C-2" Commercial instead of "C-1" Commercial as recommended by the Zoning Board of Adjustment. The Mayor told Mr. Threadgill that this matter would be discussed again at the next Council meeting.

Dan Riordan appeared and requested a hearing on the revocation of his taxicab driver's permit, which was revoked by the Council at their meeting on June 27, 1946. This permit was revoked upon the recommendation of the Chief of Police because of a fight Riordan had had with one of the Deputy Sheriffs. Riordan stated that he felt he was in the right in this matter. Deputy Sheriff Hankins stated his side of the matter. Upon the motion of Councilman Thornberry, seconded by Councilman Wolf, the Council voted to let the matter stand until after Riordan's trial was held and, if he was found not guilty, then the Council would be glad to give him a hearing. The vote was as follows:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Texas Air Lines substantially according to the terms and provisions of the instrument attached to this Resolution and made a part hereof for all purposes.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Clerk be, and she is hereby authorized and directed to attach a duplicate original of this resolution to said lease and file said lease in the permanent files of her office without the necessity of recording the contents of said lease in the Minutes of the City Council.

Which motion carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford

The Mayor called up for its third reading the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY RE-ENACTING ARTICLE III, SECTION 12 (b) OF SAID ORDINANCE RELATING TO THE LOCATION OF STOP SIGNS AND ADDING A NEW INTERSECTION ON MILLER ROAD AT SOUTH CONGRESS AVENUE; BY PROVIDING FOR DOUBLE CENTER STRIPE ON SOUTH CONGRESS AVENUE BETWEEN BARTON SPRINGS AND ACADEMY DRIVE, EXCEPT AT INTERSECTIONS AND OTHER LOCATIONS DESIGNATED HEREIN; BY PROHIBITING U-TURNS AND LEFT TURNS ON THE SAID PORTION OF SOUTH CONGRESS AVENUE, EXCEPT AT INTERSECTIONS NOT CONTROLLED BY TRAFFIC SIGNAL LIGHTS AND EXCEPT AT OTHER LOCATIONS DESIGNATED HEREIN;

BY RE-ENACTING ARTICLE IV, SECTION 22-f, OF SAID ORDINANCE RELATING TO TWO-HOUR PARKING LIMITS AND ADDING NEW LOCATIONS FOR SAID LIMITS ON LAVACA STREET BETWEEN 14TH AND 15TH STREETS AND ON THE WEST SIDE OF SAID STREET FROM 15TH TO 17TH STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

The Mayor thereupon announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

1. A gas main in EAST FORTY-SEVENTH STREET, from a point 135 feet west of Caswell Avenue westerly 155 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north property line of said EAST FORTY-SEVENTH STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

2. A gas main in KEASBY STREET, from a point 35 feet east of Eilers Avenue west to Eilers Avenue, the centerline of which gas main shall be 15 feet south of and parallel to the north property line of said KEASBY STREET.

Said gas main described above shall have a cover not not less than 2-1/2 feet.

3. A gas main in EILERS AVENUE, from Keasby Street southerly 44 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said EILERS AVENUE.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

4. A gas main in EAST THIRTY-FIRST STREET, from a point 313 feet west of Red River Street easterly 59 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST THIRTY-FIRST STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

5. A gas main in LINDELL AVENUE, from a point 416 feet south of Bartlett Street southerly 74 feet, the centerline of which gas main shall be 20 feet west of and parallel to the East property line of said LINDELL AVENUE.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevation or working points from which to base the location of their assignments they shall apply to the City Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

MAYOR Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY REPEALING THE DEFINITIONS IN SECTION 2 OF SAID ORDINANCE DESIGNATING "PORTE COCHERE" AND "PERGOLA" AND BY AMENDING IN SAID SECTION THE DEFINITION OF "TRAILER CAMP"; AMENDING SECTION 6 OF SAID ORDINANCE BY ADDING A NEW SUBDIVISION RELATING TO FROZEN FOOD LOCKERS; BY AMENDING SECTIONS 14, 15 AND 16 OF SAID ORDINANCE IN THE SUBDIVISION RELATING TO "SETBACK" IN FIRST, SECOND AND THIRD HEIGHT AND AREA DISTRICTS; BY

AMENDING SECTION 19 OF SAID ORDINANCE RELATING TO SPECIAL  
AREA REGULATIONS AND EXCEPTIONS FOR "SIDE AND REAR YARDS";  
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT  
HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and  
Wolf

Noes : None

Absent: Councilman Alford

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and  
Wolf

Noes : None

Absent: Councilman Alford

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and  
Wolf

Noes : None

Absent: Councilman Alford

Thereupon, Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

THAT the sum of \$9,000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing the property lying west and north of the Westenfield Swimming Pool and Park from Henry W. Hall, said General Fund to be reimbursed from bond funds when bonds are issued and sold.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and  
Wolf

Noes : None

Absent: Councilman Alford

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

THAT the sum of \$17,490.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing 23.32 acres of land located in Govalle, from the Walker heirs, at \$750.00 per acre, said General Fund to be reimbursed from bond funds when bonds are issued and sold.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes : None  
Absent: Councilman Alford

The following taxicab operator's licenses, duly approved by the City Manager, were submitted:

EARL DISMUKE, 217 West 8th Street, 4-door Plymouth Sedan, 1937 Model, Engine No. P4-393948, License FY-310;

MANUEL TAYLOR, Colored, 1150 Salina Street, Ford Sedan, 1936 Model, Motor No. 3199762, License No. FX-5368.

Councilman Wolf moved that the foregoing licenses be approved, which motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford

The following taxicab driver's permits, duly approved by the City Manager, were submitted:

JOHN WILLIAM BALDWIN, 3209 Chestnut Avenue;  
HORACE CLAUDY HEATH, 1617 Holly Street;  
SAMUEL T. JONES, Colored, 903 Concho Street;  
DAN ELI RADER, Route 5, Box 367;  
CHARLES WILLIAM RAY, 2002 Whitis Avenue;  
ANDREW SCONCI, Route 5, Box 225;  
WILLIAM B. SPRINGSTON, 306 East 13th Street

Councilman Wolf moved that the foregoing permits be approved, which motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford

The following taxicab driver's permit was submitted:

ALFRED R. LOVELL, 315 West 6th Street

Councilman Wolf moved that the above applicant be granted a 60-day probationary permit. The motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford

The following application for a liquor permit, duly approved, was submitted:

BILL'S PACKAGE STORE, by W. R. Schneider,  
112 Congress Avenue

Councilman Thornberry moved that the permit be granted, which motion prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
 Noes: None  
 Absent: Councilman Alford

The following report of the Board of Adjustment was received and filed:

"June 24, 1946

Honorable Mayor and City Council  
 Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on June 18, 1946:

# R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Isiah Washington requesting a change in the Use designation of the following property:

Lot 1, Lesikar Subdivision and the M. E. Chernosky Reserve  
 out of Chernosky Subdivision No. 4, located at the north-  
 east corner of East 14th Street and Clifford Avenue,  
 from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on June 18, 1946, at which hearing the applicant appeared and stated that he had purchased this property and wanted to erect and operate a store building to sell groceries, and the original owner and subdivider of this block also appeared and stated that he had placed restrictions on all other lots in this block with the exception of the one described above against commercial uses and that this was for the purpose of establishing a community center for the benefit of the neighborhood; and

WHEREAS, this neighborhood is now being built up and a community center would be beneficial to the developing neighborhood; and

WHEREAS, this application is for a single lot of a small size and the Board deemed that this was not sufficient to establish a real community center to render all the services customarily included in a community center, and that to change this one lot would create a spot zone and would not provide all the facilities customarily afforded by a typical community center; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

That the change of this single lot from "A" Residence District to "C" Commercial District be not recommended to the City Council; but

BE IT FURTHER RESOLVED: that to provide proper amount of space for a typical community center after all setback regulations have been complied with, it is recommended that both Lots 1 and 14 shown on the plat hereto attached be changed from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT, by H.F. Kuehne, Chairman."

The Council then recessed.

APPROVED:

Tom Miller  
MAYOR

Attest:

Helen K. Busche  
Acting City Clerk